

Filed for intro on 03/13/95
House Bill _____
By _____

Senate No. SJR0104
By Cohen

A RESOLUTION to urge the Congress of the United States to stop enacting laws which provide for the withholding or denial of federal funds unless the states enact a specified program.

WHEREAS, in addition to the practices of federal preemption of state law and regulation and the imposition of unfunded mandates on state government, the Congress of the United States has provided for the withholding or denial of federal funds unless the state enacts a specified program; and

WHEREAS, examples of this particular form of federal coercion abound, including the following: withholding grants if a state fails to submit an inventory of hazardous waste sites (RCRA); ineligibility to receive grants if sales tax is imposed on food purchases in the WIC program (Child Nutrition Act of 1966); reduction of funding for failure to comply with the federal timetable for implementing the national criminal background check system (National Child Protection Act); and withholding highway funds for failure to control outdoor advertising and junkyards along federal highways (Control of Outdoor Advertising and Junkyards), or failure to establish a minimal drinking age of 21 (Minimum Drinking Age), failure to establish maximum speed limits on federal highways in accordance with federal guidelines (National Maximum Speed Limit); and

WHEREAS, the myriad number of federal laws which use the loss or withholding of federal funds as a mechanism for implementing federal policy is increasing during an era in which the Congressional policy is represented as a mandate to return policy initiatives back to state government; and there is an inherent conflict between such laws and such mandate; now, therefore;

BE IT RESOLVED BY THE SENATE OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, That the Congress of the United States is urged to stop enacting laws which provide for the withholding or denial of funds unless the states enact a law to implement a specified program.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each member of the Tennessee delegation to the United States Congress, the President of the Senate and the Speaker of the House of Representatives.

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